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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT	PAPER NUMBER
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2139

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05/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,001	Applicant(s) ASANO, TOMOYUKI	
	Examiner Christian LaForgia	Art Unit 2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7,8,10,11 and 13-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7,8,10,11 and 13-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 April 2008 has been entered.
2. Claims 1, 3-5, 7, 8, 10, 11 and 13-15 have been presented for examination.

Response to Arguments

3. The objection to the Specification was withdrawn in the Advisory Action of 21 April 2008.
4. The 35 U.S.C. 101 rejection of claim 15 was also withdrawn in the Advisory Action of 21 April 2008.
5. Applicant's arguments, see pages 10 and 11, filed 28 April 2008, with respect to the rejections of claims 1, 3-5, 7, 8, 10, 11 and 13-15 under both 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new grounds of rejection is set forth below.

Claim Rejections - 35 USC § 103

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1, 3, 5, 8, 10, 11, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0035492 A1 to Nonaka,

Art Unit: 2139

hereinafter Nonaka, in view of U.S. Patent Application Publication No. 2002/0184259 A1 to Akishita et al., hereinafter Akishita.

8. As per claim 1, Nonaka teaches an information storage medium (ISM) (Figures 8 [element 710], 9 [element 720]) comprising means storing:

an encrypted content (paragraph 0170, i.e. encrypted content);

encryption key information needed in a process of decoding the encrypted content (paragraphs 0137, 0144, i.e. key);

an associated ISM ID, said associated ISM ID being an identifier uniquely assigned to the ISM (paragraphs 0137, 0144, i.e. unique ID); and

a first list identifying revoked ISM ID's, said first list having an associated first version date and an associated tampering check value for checking whether said first list is untampered (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138),

wherein the ISM is adapted for operation with an information processing apparatus (paragraph 0133), said apparatus having

means for executing a process for playing back content stored on the ISM (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content),

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM **600**),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in said second list (Figure 21 [step S81], paragraphs 0231, 0233),

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass),

means for checking the associated tampering check value to determine whether the first list identifying the revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227), and

means for updating said memory, by replacing one list with a more current list (Figure 20 [steps S59, S60], paragraph 0228), said means for updating said memory enabled to only operate when the list is untampered (Figure 20 [step S56], paragraph 0227) and the associated version date is later than said associated other version date (Figure 20 [step S58], paragraph 0228).

9. Nonaka teaches updating a revocation list from an apparatus to a portable storage medium and not teach the claimed updating of a revocation list on an apparatus from a portable storage medium.

10. Akishita discloses updating a revocation list on an apparatus from an external source, such as a portable storage medium (Figure 47, paragraphs 0023, 0030, 0031, 0043, 0566-0575).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update a revocation list on an apparatus from a portable storage medium, since Akishita states at paragraphs 0014 and 0015 that updating the revocation list in this manner realizes a certain level of processing efficiency, since the list is only updated when a newer version is present and only at times when data is present, as opposed to constantly checking for updates at predetermined intervals. This is further supported by *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955), which held that it merely requires routine skill in the art to reverse parts, in this case, reversing the update procedure of Nonaka so that the revocation list of the

Art Unit: 2139

device is updated as opposed to the revocation list of the portable storage medium being updated.

See MPEP § 2144.04(IV).

12. Regarding claims 3 and 10, Nonaka teaches wherein the encryption key information includes an enabling key block (EKB) as encryption key data from which a key used to decrypt the encrypted content is extractable (Figures 26 [element 610], 31 and 32 [File system of Key file], paragraphs 0236, 0242).

13. As per claim 5, Nonaka teaches an information processing apparatus comprising:

means for executing a process for playing back content stored on an information storage medium (ISM) (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content), wherein both an associated ISM ID (paragraphs 0137, 0144, i.e. unique ID) and a first list identifying revoked ISM ID's are stored on said ISM, said first list having an associated first version date (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138);

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in the second list (Figure 21 [step S81], paragraphs 0231, 0233);

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass);

means for performing a tampering check process to check whether the first list identifying revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227); and

means for updating the memory, by replacing one list with another list (Figure 20 [steps S59, S60], paragraph 0228), said means enabled to only operate when both:

the tampering check process determines that the first list is untampered (Figure 20 [step S56], paragraph 0227); and

the associated first version date is later than the associated second version date (Figure 20 [step S58], paragraph 0228).

14. Nonaka teaches updating a revocation list from an apparatus to a portable storage medium and not teach the claimed updating of a revocation list on an apparatus from a portable storage medium.

15. Akishita discloses updating a revocation list on an apparatus from an external source, such as a portable storage medium (Figure 47, paragraphs 0023, 0030, 0031, 0043, 0566-0575).

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update a revocation list on an apparatus from a portable storage medium, since Akishita states at paragraphs 0014 and 0015 that updating the revocation list in this manner realizes a certain level of processing efficiency, since the list is only updated when a newer version is present and only at times when data is present, as opposed to constantly checking for updates at predetermined intervals. This is further supported by *In re Gazda*, 219 F.2d 449, 104

Art Unit: 2139

USPQ 400 (CCPA 1955), which held that it merely requires routine skill in the art to reverse parts, in this case, reversing the update procedure of Nonaka so that the revocation list of the device is updated as opposed to the revocation list of the portable storage medium being updated. See MPEP § 2144.04(IV).

17. As per claim 8, Nonaka teaches an information storage medium production (ISM) system comprising:

means for producing a plurality of ISM's (Figure 37, paragraphs 0012, 0198, 0306-0309, i.e. reproducing content data) and storing information on at least one ISM (paragraphs 0137, 0144) said information comprising,

an encrypted content (paragraph 0170, i.e. encrypted content),
encryption key information needed in a process of decoding the encrypted content (Figures 31 and 32 [File system of Key file], paragraphs 0137, 0144, 0236, 0242);

a first list identifying revoked ISM ID's, said first list having an associated first version date and an associated tampering check value for checking whether the first list is untampered (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138), and

an associated ISM ID, said associated ISM ID being an identifier uniquely assigned to each ISM (paragraphs 0137, 0144, i.e. unique ID);

wherein, the at least one ISM is adapted for operation with an information processing apparatus, said apparatus having:

Art Unit: 2139

means for executing a process for playing back content stored on the ISM (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content),

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM **600**),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in said second list (Figure 21 [step S81], paragraphs 0231, 0233),

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass),

means for checking the associated tampering check value to determine whether the first list identifying the revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227), and

means for updating said memory, by replacing one list with a more current list (Figure 20 [steps S59, S60], paragraph 0228), said means for updating said memory enabled to only operate when the list is untampered (Figure 20 [step S56], paragraph 0227) and the associated version date is later than said associated other version date (Figure 20 [step S58], paragraph 0228).

18. Nonaka teaches updating a revocation list from an apparatus to a portable storage medium and not teach the claimed updating of a revocation list on an apparatus from a portable storage medium.

19. Akishita discloses updating a revocation list on an apparatus from an external source, such as a portable storage medium (Figure 47, paragraphs 0023, 0030, 0031, 0043, 0566-0575).

Art Unit: 2139

20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update a revocation list on an apparatus from a portable storage medium, since Akishita states at paragraphs 0014 and 0015 that updating the revocation list in this manner realizes a certain level of processing efficiency, since the list is only updated when a newer version is present and only at times when data is present, as opposed to constantly checking for updates at predetermined intervals. This is further supported by *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955), which held that it merely requires routine skill in the art to reverse parts, in this case, reversing the update procedure of Nonaka so that the revocation list of the device is updated as opposed to the revocation list of the portable storage medium being updated. See MPEP § 2144.04(IV).

21. As per claims 11 and 15, Nonaka teaches an information processing method and computer readable medium containing a program comprising the steps of:

executing, with an information processing apparatus, a process for playing back content stored on an information storage medium (ISM)) (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content), wherein both an associated ISM ID (paragraphs 0137, 0144, i.e. unique ID) and a first list identifying revoked ISM ID's are stored on said ISM, said first list having an associated first version date (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138), said executing step further comprises:

reading the associated ISM ID (Figure 21 [step S80], paragraph 0232);

checking whether the associated ISM ID is identical to a revoked ISM ID identified in a second list identifying revoked ISM ID's (Figure 21 [step S81], paragraphs 0231, 0233), said second list having an associated second version date, and said second list being stored in a memory of the information processing apparatus (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600);

disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass);

performing a tampering check process to check whether the first list identifying revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227);

updating the memory of the information processing apparatus, by replacing the list with the another list (Figure 20 [steps S59, S60], paragraph 0228) only when both:

the tampering check process determines that the first list is untampered (Figure 20 [step S56], paragraph 0227); and

the associated first version date is later than the associated second version date (Figure 20 [step S58], paragraph 0228).

22. Nonaka teaches updating a revocation list from an apparatus to a portable storage medium and not teach the claimed updating of a revocation list on an apparatus from a portable storage medium.

23. Akishita discloses updating a revocation list on an apparatus from an external source, such as a portable storage medium (Figure 47, paragraphs 0023, 0030, 0031, 0043, 0566-0575).

Art Unit: 2139

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update a revocation list on an apparatus from a portable storage medium, since Akishita states at paragraphs 0014 and 0015 that updating the revocation list in this manner realizes a certain level of processing efficiency, since the list is only updated when a newer version is present and only at times when data is present, as opposed to constantly checking for updates at predetermined intervals. This is further supported by *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955), which held that it merely requires routine skill in the art to reverse parts, in this case, reversing the update procedure of Nonaka so that the revocation list of the device is updated as opposed to the revocation list of the portable storage medium being updated. See MPEP § 2144.04(IV).

25. As per claim 14, Nonaka teaches an information storage medium (ISM) production method, comprising the step of:

producing a plurality of ISM's (Figure 37, paragraphs 0012, 0198, 0306-0309, i.e. reproducing content data) and storing information on at least one ISM (paragraphs 0137, 0144), said information comprising:

an encrypted content (paragraph 0170, i.e. encrypted content), encryption key information needed in a process of decoding the encrypted content (Figures 31 and 32 [File system of Key file], paragraphs 0137, 0144, 0236, 0242);

a first list identifying revoked ISM ID's said first list having an associated first version date and an associated tampering check value for checking whether the first list is untampered (Figures 8 and 9 [i.e. revocation list], 17 [step S17], 20 [step S51], paragraph 0138), and

an associated ISM ID, said associated ISM ID being an identifier uniquely assigned to each ISM (paragraphs 0137, 0144, i.e. unique ID);

wherein, the at least one ISM is adapted for operation with an information processing apparatus, said apparatus having:

means for executing a process for playing back content stored on the ISM (paragraphs 0068, 0084, i.e. the present invention relates to distributing music content and eventually at some point, someone is going to want to listen to said content),

a memory for storing a second list identifying revoked ISM ID's, said second list having an associated second version date (Figures 8 [element] 20 [step S55], paragraph 0228, i.e. revocation list stored in SAM 600),

means for checking whether the associated ISM ID is identical to a revoked ISM ID identified in said second list (Figure 21 [step S81], paragraphs 0231, 0233),

means for disabling the process for playing back content when the associated ISM ID is identical to a revoked ISM ID identified in the second list (paragraph 0185, claims 3, 4, i.e. disabling operations of the medium when the rights do not pass),

means for checking the associated tampering check value to determine whether the first list identifying the revoked ISM ID's is untampered (Figure 20 [step S56], paragraph 0227), and

means for updating said memory, by replacing one list with a more current list (Figure 20 [steps S59, S60], paragraph 0228), said means for updating said memory enabled to only operate when the list is untampered (Figure 20 [step S56], paragraph 0227) and the associated version date is later than said associated other version date (Figure 20 [step S58], paragraph 0228).

Art Unit: 2139

26. Nonaka teaches updating a revocation list from an apparatus to a portable storage medium and not teach the claimed updating of a revocation list on an apparatus from a portable storage medium.

27. Akishita discloses updating a revocation list on an apparatus from an external source, such as a portable storage medium (Figure 47, paragraphs 0023, 0030, 0031, 0043, 0566-0575).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to update a revocation list on an apparatus from a portable storage medium, since Akishita states at paragraphs 0014 and 0015 that updating the revocation list in this manner realizes a certain level of processing efficiency, since the list is only updated when a newer version is present and only at times when data is present, as opposed to constantly checking for updates at predetermined intervals. This is further supported by *In re Gazda*, 219 F.2d 449, 104 USPQ 400 (CCPA 1955), which held that it merely requires routine skill in the art to reverse parts, in this case, reversing the update procedure of Nonaka so that the revocation list of the device is updated as opposed to the revocation list of the portable storage medium being updated. See MPEP § 2144.04(IV).

29. Claims 4, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka in view of Akishita as applied above, and in further view of U.S. Patent Application Publication No. 2002/0150250 A1 to Kitaya et al., hereinafter Kitaya.

30. With regards to claims 4, 7, and 13, Nonaka does not teach wherein the enabling key block (EKB) is encryption key information that can be decrypted based on a device node key (DNK) provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the information storage medium.

31. Kitaya teaches wherein the enabling key block (EKB) is encryption key information that can be decrypted based on a device node key (DNK) provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the information storage medium (paragraphs 0130, 0147).

32. It would have been obvious to one of ordinary skill in the art at the time the invention was made for the enabling key block (EKB) to be encryption key information that can be decrypted based on a device node key (DNK) provided in the form of a hierarchical key-distribution tree structure to an information processing apparatus that is a device using the information storage medium, since Kitaya states paragraph 0147 that it limits the user devices that the content can receive the distributed content.

Conclusion

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian LaForgia whose telephone number is (571)272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2139

35. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christian LaForgia/
Primary Examiner, Art Unit 2139

clf